

ADMINISTRATIVE RULES FOR ADULT FOSTER HOMES

DEPARTMENT OF HEALTH

ADOPTION OF CHAPTER 11-148,
HAWAII ADMINISTRATIVE RULES

JULY 1987

SUMMARY

Chapter 11-148, Hawaii Administrative Rules,
entitled, "Certification of Adult Foster
Homes," is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 148

CERTIFICATION OF ADULT FOSTER HOMES

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Historical note: This chapter is based substantially upon Chapter 890, "Certification of Foster Family Boarding Homes for Children," Public Welfare Division, Department of Social Services and Housing.
[Eff. 9/16/54; am 3/20/87]

SUBCHAPTER 1

GENERAL PROVISIONS

§11-148-1 Purpose. The purpose of this chapter is to establish rules governing adult foster home.
[Eff. APR 29 1988] (Auth: SLH 1987, Act 334, §§2, 3) (Imp: SLH 1987, Act 334, §§2, 3)

§11-148-2 Definitions. As used in this chapter:
"Adult foster home" means a private home providing care and training on a twenty-four hour basis for not more than two developmentally disabled adults who are unrelated to the foster family at any point in time.

"Adult-placing agency" means any organization certified by the department to engage in the investigation, placement, and supervision of adults in foster care and which has been delegated the authority by the department to approve foster family homes under its supervision.

"Adult residential care home" means any facility providing twenty-four hour living accommodations, for a fee, to adults unrelated to the family, who require at least minimal assistance in the activities of daily living, but do not need the services of an intermediate care facility.

"Agency" means the adult-placing agency.

"Agency-placement" means placement of a foster adult in a foster family home through an adult-placing agency.

"Applicant" means any adult person who makes a written request for a certificate of approval.

"Boarding house" means a commercial facility which serves meals to persons who live on the premises or elsewhere. Although such persons may eat at the table with the boarding house operator and the operator's family, the relationship between the operator and the recipients of the service does not have any of the elements which characterize family living.

"Certificate of approval" means a certificate issued to the foster parents by the department or the department's delegated agent authorizing the foster parents to operate a foster family home.

"Certifying agency" means the Department of Health which has the responsibility and authority to establish standards of condition, management, and competence, and to issue the certificate of approval.

"Department" means Department of Health, State of Hawaii.

"Developmental disabilities" means a severe, chronic disability of a person which:

- (1) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (2) Is manifested before the person attains age twenty-two;
- (3) Is likely to continue indefinitely;
- (4) Results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic sufficiency; and
- (5) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

"Foster adult" means any individual over eighteen years of age who is not related to the foster parent by blood, marriage, or adoption and who is in need of caretaking.

"Foster parent" means any adult person who gives parenting care and maintenance to a foster adult.

"Rooming house" means a commercial residential facility which provides living quarters for individuals apart from those occupied by the rooming house operator. The individuals may share facilities such as a kitchen and bathroom, but there shall be no mutual relationships and responsibilities which characterize family living. [Eff. APR 29 1988] (Auth: SLH 1987, Act 334, §§2, 3) (Imp. SLH 1987, Act 334, §§2, 3)

SUBCHAPTER 2

CERTIFICATION REQUIREMENTS

§11-148-3 Need for certification. An adult foster home shall have a certificate of approval in order to care for developmentally disabled adults. The certificate of approval shall indicate that the requirements of this chapter have been met. [Eff APR 29 1988] (Auth: SLH 1987, Act 334, §2, 3) (Imp: SLH 1987, Act 334, §2, 3)

§11-148-4 Application. (a) A married couple desiring to provide foster family home for developmentally disabled adults shall apply jointly to the department for a certificate of approval.

(b) An adult person desiring to provide a foster family home for developmentally disabled adults shall apply to the department for a certificate of approval.

(c) An adult person or married couple desiring to provide foster family home for unrelated developmentally disabled adults independently of an adult-placing agency shall apply to the department for a certificate of approval. [Eff APR 29 1988] (Auth: SLH 1987, Act 334, §2, 3) (Imp: SLH 1987, Act 334, §2, 3)

§11-148-5 Study process. (a) The department shall receive the application and shall conduct a study of the applicants and the applicants' home to determine whether the requirements for adult foster homes for developmentally disabled adults are met and to make recommendations for disposition of the application.

(b) A record of the agency's findings shall be kept on file at the department. [Eff APR 29 1988] (Auth: SLH 1987, Act 334, §2, 3) (Imp: SLH 1987, Act 334, §2, 3)

§11-148-6 Issuance of certificate of approval.

(a) On the basis of the study indicating the applicant's satisfactory compliance with this chapter, the department or a delegated agent shall issue a certificate of approval. The certificate of approval shall specify:

- (1) The name and address of the persons to whom the certificate of approval is issued;
 - (2) The maximum number of foster developmentally disabled adults permitted;
 - (3) The period for which the certificate is effective;
 - (4) The specific adult-placing agency, whenever applicable; and
 - (5) The foster developmentally disabled adult if the home has been approved for a specific developmentally disabled adult.
- (b) The certificate of approval shall be effective for a period of one year from the date of issue. The certificate of approval shall not be transferable and shall become invalid when:
- (1) The person to whom the certificate of approval is issued ceases to operate an adult foster home;
 - (2) There is a change in residence;
 - (3) The home accepts more than the maximum number of developmentally disabled adults for which the home is approved; or
 - (4) A specific developmentally disabled adult for whom the home has been approved no longer is in the home.
- (c) The certificate of approval shall be available

for inspection at the adult foster home.

(d) The certification of an adult foster home shall not obligate the department or adult-placing agency to place adults in the home. The certification shall mean only that the agency has evaluated the foster family and has determined that the adult foster home meets the requirements for adult foster care.

[Eff. APR 29 1988] (Auth: SLH 1987, Act 334, §§2, 3) (Imp: SLH 1987, Act 334, §§2, 3)

§11-148-7 Renewal of certificate of approval.
A new certificate shall be issued when the existing certificate of approval expires or becomes invalid, provided that upon re-examination, the home gives evidence of meeting the rules governing adult foster homes. [Eff APR 29 1988] (Auth: SLH 1987, Act 334, §§2, 3) (Imp: SLH 1987, Act 334, §§2, 3)

§11-148-8 Denial of certificate of approval.
(a) The department or a delegated agent shall deny a certificate of approval when a home fails to comply with the rules at the time of the study process.
(b) The department or the agency shall notify the applicant in writing as to why the certificate of approval is denied. [Eff APR 29 1988] (Auth: SLH 1987, Act 334, §§2, 3) (Imp: SLH 1987, Act 334, §§2, 3)

§11-148-9 Revocation of certificate of approval.
(a) The department or a delegated agent may revoke a certificate of approval when a home fails to meet the rules governing adult foster homes during the period covered by the certificate. [Eff APR 29 1988] (Auth: SLH 1987, Act 334, §§2, 3) (Imp: SLH 1987, Act 334, §§2, 3)

§11-148-10 Right to appeal. (a) Persons whose application for a certificate of approval has been denied or foster parents whose certificate of approval has been revoked, shall have the right to appeal the decision of denial or revocation to the director of the department through the certifying agency within thirty days following receipt of the notice of denial or revocation. Foster parents shall submit the appeal in writing.

(b) The certifying agency shall notify the director of the department regarding the agency's recommendations and reasons for the denial or revocation of the certificate of approval. The department or a delegated agent shall also explain why the decision to deny or revoke the certificate of approval is being contested by the applicant or foster family.

(c) Within thirty days after receipt of notice of appeal, the director of the department shall notify the applicant or foster parents and the certifying agency of the violation in writing giving the applicant or the foster parents and the agency an opportunity for a hearing on the situation. [Eff APR 29 1988]
(Auth: SLH 1987, Act 334, §52, 3) (Imp: SLH 1987, Act 334, §52, 3)

§11-148-11 Hearing. The director or a delegated representative shall preside over the hearing and a decision shall be sent to the applicant or foster parents and the agency involved, in writing, within sixty days from the date of the hearing.
[Eff APR 29 1988] (Auth: SLH 1987, Act 334, §52, 3) (Imp: SLH 1987, Act 334, §52, 3)

§11-148-12 Penalty. Any person who knowingly and voluntarily operates an adult foster home without a certificate of approval or who willfully makes any false statement or violates this chapter shall be guilty of a violation punishable by a fine not exceeding \$200. [Eff APR 29 1988] (Auth: SLH 1987, Act 334, §52, 3) (Imp: SLH 1987, Act 334, §52, 3)

SUBCHAPTER 3

ADMINISTRATION OF THE ADULT FOSTER HOME

S11-148-13 Eligibility of individuals to be cared for. (a) Individuals placed in the home shall first meet the criteria of developmental disability.
 (b) At least one of the developmentally disabled individuals residing in the home shall be an adult, age 18 or older.

(c) The developmentally disabled foster adult may have been a resident in a children's foster home and may continue to be in need of a supervised living situation.

(d) The developmentally disabled foster adult may be in need of a lesser restrictive environment than that adult is currently in. [Eff APR 29 1988 1
 (Auth: SLH 1987, Act 334, SS2, 3) (Imp: SLH 1987, Act 334, SS2, 3)]

S11-148-14 Guardianship of individuals to be cared for. The developmentally disabled adult in the adult foster home may have a guardian.
 [Eff APR 29 1988 1] (Auth: SLH 1987, Act 334, SS2, 3) (Imp: SLH 1987, Act 334, SS2, 3)

S11-148-15 Number of individuals to be cared for.
 (a) There shall be not more than two foster adults in an adult foster home. In the event the home is interested in providing day care for children and adults in addition to caring for foster adults, the total number of foster adults, foster children, and day care children and adults in the home simultaneously shall not exceed five. This requirement shall not prevent a home which provides care for foster adults from providing, in addition, day care for children and adults as long as this arrangement is not detrimental to the foster individuals under care and the hours of foster care and day care are not overlapping. The foster home, however, shall meet requirements under both the rules governing foster family homes and family day care homes.

(b) Not more than two foster adults and two foster children shall be cared for in a home by one foster family unless there is additional help approved by the agency. At no time shall there be more than four individuals under foster care.

(c) A home which accepts agency placement shall not accept adults from any other source without permission from that agency. [Eff APR 29 1988]
(Auth: SLH 1987, Act 334, §§2, 3) (Imp: SLH 1987, Act 334, §§2, 3)

\$11-148-16 Record. (a) A current register of all adults admitted shall be kept by the foster home and shall be open for inspection by representatives of the agency.

(b) The register for the agency foster home shall include:

- (1) A listing of adults accepted for placement by name, age, reason for placement, date placed, and date removed; and
- (2) A health record on each adult placed in the home with:
 - (A) The name of the adult's physician, and the physician's address and telephone number; and
 - (B) Information of how to contact the agency representative, the adult's parents, legal guardian, or other responsible person in the event of an emergency.

(c) During residence, records shall include:

- (1) Copies of physicians' initial, annual, and other periodic examinations, evaluations, progress notes, relevant laboratory reports, and a report of annual re-examination for tuberculosis;
- (2) Observations of the resident's response to medication, treatments diet, plan of care, any changes in condition, indications of illness or injury, behavior patterns including the date, time, and actions taken, if any, recorded monthly or more often as appropriate and immediately where any incident occurs;

- (3) Entries describing treatments and services rendered;
- (4) Medications administered;
- (5) Physician's signed orders for diet, medications, and treatments;
- (6) All recordings as ordered by the physician or as may appear to be needed;
- (7) Recording of resident's weight at least once a month, and more often when requested by the physician or responsible agency;
- (8) Notation of visits made to or by the resident;
- (9) Unusual incidents shall be noted in the records. An incident report of any bodily injury or other unusual circumstances affecting a resident which occurs within the home, on the premises, or elsewhere shall be noted in the records and be available to the department or delegated agent. The resident's physician and the department or delegated agent shall be called immediately if medical care is necessary.

(c) All records concerning the adult and information from the records shall be held confidential and shall be available only to duly authorized persons. Written consent for release of information shall be required for persons not otherwise authorized to receive it.

(d) The record is the property of the department and shall be transferred with the resident upon change of residence to another adult foster home.

(e) Records shall be readily accessible and available to authorized department personnel for the purpose of determining compliance with this chapter.

[Eff APR 29 1988 1 (Auth: SLH 1987, Act 334, SS2, 3) (Imp: SLH 1987, Act 334, SS2, 3)

§11-148-17

§11-148-17 Contacts with the foster family. The foster family shall be visited by staff authorized by the agency as frequently as needed to assure the continued well-being of the foster adult and that the adult foster home continues to meet the requirements for licensing. [Eff. APR 29 1988] (Auth: SLH 1987, Act 334, §52, 3) (Imp: SLH 1987, Act 334, §52, 3)

§11-148-18 Payment. Rate of payment for care in adult foster homes is to be determined on the same basis as adult residential care homes. [Eff. APR 29 1988] (Auth: SLH 1987, Act 334, §52, 3) (Imp: SLH 1987, Act 334, §52, 3)

SUBCHAPTER 4

CARE OF FOSTER ADULT

§11-148-20 Member of foster family. (a) A foster adult shall be cared for as a family member and shall share in the family's pleasures and responsibilities.

(b) The foster parents shall report to the agency any change which adversely affects the adult under foster care. [Eff. APR 29 1988] (Auth: SLH 1987, Act 334, §52, 3) (Imp: SLH 1987, Act 334, §52, 3)

§11-148-21 Health. (a) The foster adult shall have a complete physical examination by a licensed physician on initial placement and at least once a year thereafter. The examinations shall indicate the presence of any communicable conditions, known allergies, physical handicaps or limitations, and specific health needs.

(b) The physical examination for initial placement shall be completed by a licensed physician within forty-eight hours immediately preceding or twenty-four hours after the adult's admission to an adult foster

home. The examination shall indicate whether the adult is free from communicable disease and whether the adult may be accepted for placement.

(c) For subsequent placements, a health screening for communicable disease, injury, or medical illness, shall be completed by a licensed physician within forty-eight hours immediately preceding or twenty-four hours after the adult's admission to an adult foster home, provided the adult has had a complete physical examination within the year.

(d) The foster parents shall be provided pertinent information on the health of each adult accepted for admittance to the foster parents' home including any particular medical or health problems. The health information shall include immunization records and tuberculin clearance in accordance with current department recommendations.

(e) The foster parents shall expect that the placement agency or parent or guardian shall plan for regular medical and dental supervision for the foster developmentally disabled adult. Agency foster parents shall keep the agency informed of any health problems.
[Eff APR 29 1988] (Auth: SLH 1987, Act 334, §2, 3) (Imp: SLH 1987, Act 334, §2, 3)

§11-148-22 Emergencies: (a) Foster parents shall obtain instructions from the adult-placing agency or from the parents or guardians regarding procedures to follow in case of sudden illness or accidents.

(b) Severe illness, serious injuries, accident, or death of the adult shall be reported immediately to the agency, to the adult's parents or guardians.
[Eff APR 29 1988] (Auth: SLH 1987, Act 334, §2, 3) (Imp: SLH 1987, Act 334, §2, 3)

§11-148-23 Diet. Diet shall be adequate for good nutrition. [Eff APR 29 1988] (Auth: SLH 1987, Act 334, §2, 3) (Imp: SLH 1987, Act 334, §2, 3)

§11-148-24

§11-148-24 Clothing and personal supplies. (a) A foster adult's clothing shall be kept clean and in proper condition of repair, and shall be of appropriate size.

(b) Each foster adult shall be provided with individual combs, toothbrushes, and other necessary toilet articles. [Eff APR 29 1988] (Auth: SLH 1987, Act 334, §52, 3) (Imp: SLH 1987, Act 334, §52, 3)

§11-148-25 Recreation and social activities. (a) A well-balanced daily program including time for rest appropriate to the foster adult, regular meal hours, and recreation shall be provided for the foster adults.

(b) The foster parents shall cooperate with the adult-placing agency or with parents or guardians to make it possible for the adult to participate in appropriate social and recreational activities in the community.

(c) Foster parents shall cooperate with the adult-placing agency, or with parents or guardians to make it possible for the foster adults to visit with parents and relatives. [Eff APR 29 1988] (Auth: SLH 1987, Act 334, §52, 3) (Imp: SLH 1987, Act 334, §52, 3)

§11-148-26 Training and discipline. (a) Training and discipline shall be carried out with kindness and understanding. No adult shall be subjected to any action which would endanger the adult's physical or emotional well-being.

(b) As a member of the family, a foster adult shall participate in simple home duties commensurate with the adult's capabilities which do not interfere with school, day programs, health, and necessary recreation, and which are shared with any other individuals in the foster home. [Eff APR 29 1988] (Auth: SLH 1987, Act 334, §52, 3) (Imp: SLH 1987, Act 334, §52, 3)

§11-148-27 Religion. The religious faith of each foster adult shall be respected and the foster adult shall be afforded the opportunity to attend the church, Sunday school, or both, of the foster adult's parents or legal guardian or, in their absence, of the foster adult's choice. [Eff APR 29 1988] (Auth: SLH 1987, Act 334, §§2, 3) (Imp: SLH 1987, Act 334, §§2, 3)

§11-148-28 Resident's accounts. (a) The conditions under which the adult foster home agrees to be responsible for the resident's funds or property shall be explained to the resident, and guardian or next of kin, and documented in the resident's file. All single transfers with a value in excess of \$100 shall be supported by an agreement signed by the adult foster parent, the resident or the resident's guardian, and the adult placing agency.

(b) No person associated with the ownership or operation of an adult foster home shall serve as guardian of the estate or as a trustee for any resident in the home.

(c) The adult foster parent may be permitted to become a representative payee under conditions prescribed by the Social Security Administration.

(d) An accurate written accounting of the resident's money and disbursements shall be kept on an ongoing basis, including receipts for expenditures, and a current inventory of the resident's possessions.

(e) Upon request of the resident, or if the resident is legally incompetent, the duly appointed legal guardian, or responsible agency, the resident's personal property kept by the adult foster home for safekeeping may be released. This transaction shall be documented. [Eff APR 29 1988] (Auth: SLH 1987, Act 334, §§2, 3) (Imp: SLH 1987, Act 334, §§2, 3)

§11-148-29 Resident's rights. The adult foster home shall provide that each foster adult

- (1) Be treated with understanding, respect, and full consideration of the resident's dignity and individuality, including privacy in treatment and in care of the resident's personal needs;
- (2) Not be humiliated, harassed, or threatened, and be free from chemical and physical restraints. Chemical and physical restraints shall be prescribed and have the sanction of the resident's physicians or therapists and a Human Rights Committee;
- (3) Have their personal and medical records kept confidential and subject to release only as provided in section 11-148-16;
- (4) Not be required to perform services for the adult foster home unless agreed to by the resident or guardian or supervising agency and documented;
- (5) Have the right to meet with and participate in recreational, social, religious, educational, employment, or training activities;
- (6) Retain and use personal clothing and possessions;
- (7) Be assured of privacy for visits by family and friends;
- (8) Have the right to reject living in a particular adult foster home;
- (9) Shall not have dietary restrictions as punishment;
- (10) Have a right to suitable locked storage space;
- (11) Be encouraged and assisted to exercise the resident's rights, i.e., to voice grievances or recommend changes in services free from restraint, interference, coercion, discrimination, or reprisal;
- (12) Be given advance notice, preferably a minimum of two weeks, of transfer;

- (13) Have the rights explained to the resident or guardian. [Eff APR 29 1988 1
(Auth: HRS §§321-9, 321-10, 321-11, 321-15.6, SLH 1987, Act 334, §§2, 3)
(Imp: HRS §§92E-2, 92E-4, 92E-5, 321-10, 321-11, 321-15.6, 622-57, SLH 1987, Act 334, §§2, 3)

§11-148-30 Transfer of residents. Two weeks notice, except in an emergency, shall be given to the resident, the legal guardian, and the agency of a transfer to an appropriate facility or another adult foster home when:

- (1) Physical or mental changes of the foster adult necessitates services which cannot be provided by the adult foster home;
- (2) Physical or mental changes of the adult foster parent results in the inability to provide the necessary services;
- (3) The foster adult wishes to transfer;
- (4) The adult foster home wishes to transfer the foster adult. [Eff APR 29 1988 1
(Auth: HRS §§321-9, 321-10, 321-11, 321-15.6, SLH 1987, Act 334, §§2, 3)
(Imp: HRS §§321-10, 321-11, 321-15, SLH 1987, Act 334, §§2, 3)

SUBCHAPTER 5

FOSTER FAMILY AND HOME ENVIRONMENT

§11-148-34 Personal qualifications required.

- (a) Foster parents and all members of the household shall show evidence of being well-adjusted persons, capable of accepting, understanding, and caring for foster adults and working with the agency.
- (b) Applicants and foster parents shall be of reputable and responsible character and shall not have a criminal history record, employment history or background which poses a risk to the foster adult in care.

- (1) Conviction of a crime involving violence, alcohol or drug abuse, sex offense, offense or conviction or circumstances, which may indicate that the applicant or employee may pose a danger to the foster adult are grounds for denial or revocation of a certificate of approval.
- (2) Type of criminal offense, when it occurred and evidence of rehabilitation may be considered in determining whether the criminal history record poses a risk to the health, safety, or well being of adults in care.
- (3) An employment history indicating violence, alcohol or drug abuse and any other violation of employer rule or policy, the circumstances of which indicate that the applicant may pose a danger to the foster adult may be grounds for denial or revocation of a certificate of approval.
- (4) Background information which shows that the individual has been identified as and substantiated to be the perpetrator of child abuse and neglect may be a basis for denial or revocation of a certificate of approval.
[Eff APR 29 1988] (Auth: SLH 1987, Act 334, §52, 3) (Imp: SLH 1987, Act 334, §52, 3)

\$11-148-35 Marital status. (a) Proof of marriage shall be required where there is a father and mother in the foster home.

(b) A single person or parent may be considered for the provision of foster care for selected adults.
[Eff APR 29 1988] (Auth: SLH 1987, Act 334, §52, 3)
3) (Imp: SLH 1987, Act 334, §52, 3)

S11-148-36 References. Applicants shall provide three references who have adequate knowledge of the individual or family background in terms of character and ability to care for foster developmentally disabled adults. Additional references shall be furnished to the agency upon request. [Eff APR 29 1988] (Auth: SLH 1987, Act 334, SS2, 3) (Imp: SLH 1987, Act 334, SS2, 3)

S11-148-37 Health of foster family. (a) All members of the household shall be free from disease which may be transmittable to others and from physical and emotional conditions which may adversely affect the foster parents' ability to care for the foster adult.

(b) The following written medical reports shall be submitted by the foster parents to the agency prior to the initial approval of a foster family home:

- (1) Physical examinations on the foster parents completed within the year by a licensed physician; and
- (2) Tuberculosis clearance, in accordance with current department recommendations, on every member of the household within six months prior to the issuance of a certificate of approval.

(c) Current physical examinations or other reports with reference to the health of the foster parents and other members of the household may be requested at any time by the agency.

(d) Annually, tuberculosis clearance shall be required of all household members with known positive tuberculin reactions.

(e) Failure to comply with this rule may result in revocation of the adult foster home license. [Eff APR 29 1988] (Auth: SLH 1987, Act 334, SS2, 3) (Imp: SLH 1987, Act 334, SS2, 3)

S11-148-38 Income. (a) Income of the foster family shall be reasonably steady and sufficient to maintain an adequate standard of living for the family. A single parent shall have an income adequate to meet the parent's need from a source other than board payments for the care of foster adults.

\$11-148-38

(b) Foster parents shall not conduct a rooming or boarding house or adult residential care home or other business on the premises which would adversely affect the welfare of the foster adults under the foster parents' care. [Eff APR 29 1988] (Auth: SLH 1987, Act 334, §52, 3) (Imp: SLH 1987, Act 334, §52, 3)

\$11-148-39 Employed parent. (a) The employment of the primary care providing parent shall not interfere with the care of the foster adults in the foster home. A foster parent contemplating either full-time or part-time employment shall report the foster parent's desire to work to the agency so that an assessment of the potential effect on the fostering relationship may be made.

(b) The employment of a foster parent of a foster adult is permissible as long as it is deemed by the social worker not to interfere with the care and well-being of the foster adult. [Eff APR 29 1988] (Auth: SLH 1987, Act 334, §52, 3) (Imp: SLH 1987, Act 334, §52, 3)

\$11-148-40 Absence from the home in emergencies. When the foster parents are absent from the home because of an emergency or planned vacation or other reasons, the foster parents may arrange for the supervision of the foster adult by a responsible adult person for up to three weeks. Notification of the foster parents' absence shall immediately be given to the agency, to the parents or legal guardians. [Eff APR 29 1988] (Auth: SLH 1987, Act 334, §52, 3) (Imp: SLH 1987, Act 334, §52, 3)

SUBCHAPTER 6

HOUSING AND SANITATION

§11-148-45 Requirements. The home shall comply with acceptable State standards on housing and sanitation as follows:

- (1) The bedroom space in the home shall be not less than fifty square feet for each foster adult;
- (2) The house shall be deemed wheelchair accessible;
- (3) Running water shall be available for bathing facilities and the waste from the running water shall be connected to a public sewage system;
- (4) Where there is an adequate water supply, the home shall have sanitary flush toilets. In areas where an adequate water supply is not available, sanitary privy or other approved methods in accordance with department standards shall be implemented;
- (5) There shall be adequate artificial and natural light and ventilation where the facilities in section 17-890-44(1), (2), and (3) are located. Ventilation means a window that opens to the outside atmosphere. Ventilators as approved by the applicable county building code shall be acceptable in place of a window for bathrooms only;
- (6) Storage of food in the home shall be free from rat and insect infestation and perishable food shall be stored in a refrigerator;
- (7) Preparation of food shall be in a kitchen properly screened with adequate sink facilities;
- (8) All eating and drinking utensils shall be thoroughly cleaned after each usage;
- (9) The home shall have an approved source of potable water supply;

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- (10) Adequate laundering facilities for washing clothes shall be available;
- (11) The home shall have adequate facilities for the proper disposal of sewage with all plumbing connected to a public sewage system or other approved method;
- (12) The home shall have proper facilities for the disposal of garbage and refuse; and
- (13) The premises shall be kept in a sanitary and safe condition. There shall be reasonable protection from fire hazards, drugs, poisons, household supplies, dangerous tools, and weapons. [Eff. APR 29 1988]
(Auth: SLR 1987, Act 334, §52, 3)
(Imp: SLR 1987, Act 334, §52, 3)

§11-148-46 Equipment and furnishings. (a) Each adult shall be provided an adequate dresser or closet space.

(b) Each adult shall be provided with an individual bed.

(c) Each bed shall be a size as to insure comfort of the adult, shall have good level springs and mattress, clean, comfortable bedding and linen, and waterproof covering, if needed. [Eff. APR 29 1988]
(Auth: SLR 1987, Act 334, §52, 3) (Imp: SLR 1987, Act 334, §52, 3)

§11-148-47 Sleeping arrangement. (a) The sleeping arrangement for a foster adult shall include suitable light, ventilation, and provision for proper rest.

(b) The foster parents' own family shall not be displaced because of the presence of a foster adult.

(c) No foster adult shall sleep regularly in the same room with a married couple or an adult of the opposite sex.

(d) No foster adult shall sleep in the same room with children of the opposite sex.

(e) No foster adult shall sleep in a detached building without supervision or in an unfurnished attic, basement, hallway, or stairwell.

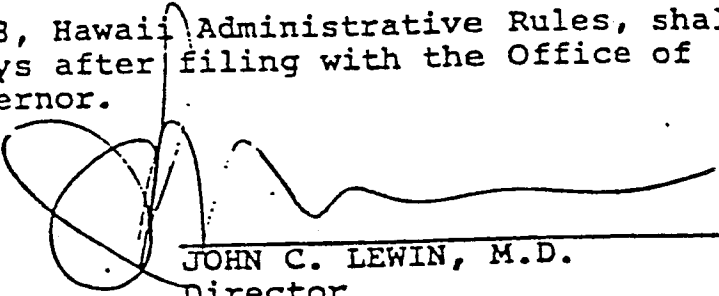
S11-148-48

(f) Individual beds shall be spaced three feet apart to provide sufficient passageway between beds.
[Eff: APR 29 1988] (Auth: SLH 1987, Act 334, §§2, 3) (Imp: SLH 1987, Act 334, §§2, 3)

S11-148-48 Severability. If any section, subsection, paragraph, subparagraph, or clause of these rules or its application to any person or circumstance, is for any reason held to be unconstitutional or invalid, the remaining portion of these rules or the application of these rules to other persons or circumstances, shall not be affected.
[Eff: APR 29 1988] (Auth: SLH 1987, Act 334, §§2, 3) (Imp: SLH 1987, Act 334, §§2, 3)


The Department of Health authorized adoption of Chapter 11-148, Hawaii Administrative Rules, on April 7, 1988, following public hearings held on Oahu on March 11, 1988, on Kauai on March 11, 1988, on Maui on March 11, 1988, on Hawaii on March 14, 1988, after public notice was given in The Honolulu Advertiser on February 11, 1988, in the Garden Isle on February 11, 1988, in the Maui News on February 11, 1988, and in the Hawaii Tribune-Herald on February 11, 1988.

Chapter 11-148, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.


JOHN C. LEWIN, M.D.
Director
Department of Health

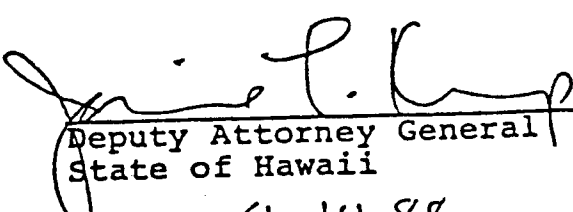
Date: APR 7 1988

APPROVED:


JOHN WAIHEE
Governor
State of Hawaii

Date: APR 19 1988

APPROVED AS TO FORM:


Deputy Attorney General
State of Hawaii

Date: 4.14.88

REC'D. BY

APR 19 PM 1 25

GOVERNOR'S OFFICE

Filed: _____

Date: _____